

SUMMARY STATEMENT

Path to Health, LLP v. Long, Docket No. 42313

In an appeal from Bonneville County, the Supreme Court affirmed in part and reversed in part the district court's dismissal of negligence, contract, and fraud claims brought by Path to Health, LLP (Path) against a realtor, Darren Long, and RE/MAX ALL-IN REALTORS (Realtors). The claims arose from Path's 2011 purchase of an office for its holistic health business. Path alleged that Realtors represented that the office was zoned for commercial use when it was actually zoned for residential use. In March of 2014 the district court entered summary judgment dismissing Path's negligence, contract, and fraud claims.

Path appealed. The Supreme Court affirmed the dismissal of Path's negligence claim, holding the economic loss rule barred Path's claim. The Supreme Court reversed the district court's grant of summary judgment on Path's breach of contract claim, holding that the parties' contract incorporated duties under Idaho law that required Realtors to exercise reasonable skill and care and disclose adverse material facts. The Supreme Court reversed the dismissal of Path's fraud claim, holding that there was a genuine issue of material fact as to whether Path justifiably relied on Realtors' alleged misrepresentation as to the status of the zoning.